

Remarks

In the Office Action dated September 13, 2002, the Examiner rejected claims 1-63 under 35 U.S.C. § 102 as being anticipated by the U.S. Patent to Shkedy 6,260,024.

By this Amendment, Applicant's Attorney has amended each of the independent claims and many of the dependent claims to make it clear that the present invention is directed to a method and system for conducting an auction with respect to a specified or pre-defined category of items such as goods or services. In the claimed invention buyer(s) commit to purchase a dollar or monetary amount of a non-specific product or service within a specific category of products or services wherein the buyer requests a minimum discount or discount rate off the regular retail price. One or more sellers bid or offer a discount or discount rate to the committed buyers for any of the products within the product category. Finally, at least one successful seller is declared when the greatest discount or discount rate from a seller is greater than or equal to the minimum discount or discount rate. Clearly, this feature is not shown by Shkedy.

This is to be contrasted with the Shkedy patent which refers to an auction of specific quantities of specific items (for example, Bic medium-point, black roller ball pens) at specific prices. In one embodiment, Shkedy discusses minimum discounts from buyers (i.e., column 7, lines 21-25). However, the seller is only notified of a price he or she has to beat, not a discount rate. At column 7, lines 35-40, the seller may offer a discount, but the auction requires bid prices not bid discounts.

In summary, Shkedy provides an auction wherein prices are bid whereas the present invention as claimed provides an auction where discounts or discount rates are bid.

Consequently, in view of the above and in the absence of better art, Applicant's Attorney respectfully submits the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

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Attachment



VERSION WITH MARKINGS TO SHOW CHANGES MADE

In The Claims**RECEIVED**
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1. (Amended) A method for conducting an online auction of a monetary amount for a specified [item or] category of items, the method comprising:

receiving at a computer site at least one bid having a discount rate for the specified [item or] category of items being auctioned from a plurality of sellers registered to participate in the auction;

receiving at the computer site a commitment to buy [an undiscounted value amount of the item or] an undiscounted value amount within the specified category of items at a minimum discount rate from at least one buyer registered to participate in the auction; and

declaring at least one successful seller of the value amount for the specified [item or] category of items based on the bid from the successful seller or sellers having the greatest discount rate greater than or equal to the minimum discount rate and best meeting the buyer's individual conditions.

2. (Amended) The method as claimed in claim 1 wherein a commitment to buy an undiscounted value amount at a minimum discount rate is received from each of a plurality of buyers and wherein the method further comprises pooling the plurality of buyers to obtain various pooled award amounts and wherein the at least one successful seller is declared of his respective pooled award amount for the specified [item or] category of items.

9. (Amended) The method as claimed in claim 1 wherein at least one seller is pre-approved to sell the specified [item or] category of items.

30. (Amended) The method as claimed in claim 1 wherein each of the sellers is pre-approved to sell the specified [item or] category of items.

32. (Amended) A computer site for conducting an online auction of a monetary amount for a specified category of items, the computer site comprising:

a set of related documents and associated files; and

a server for serving up the set of related documents and associated files to a plurality of I/O devices to provide buyers and sellers with capability to participate in the auction, the server being programmed with application software to:

receive at least one bid having a discount rate for the specified [item or] category of items being auctioned from a plurality of sellers registered to participate in the auction;

receive a commitment to buy [an undiscounted value amount of the item or] an undiscounted value amount within the specified category of items at a minimum discount rate from at least one buyer registered to participate in the auction; and

declare a successful seller of the value amount for the specified [item or] category of items based on a bid from the successful seller or sellers having the greatest discount rate greater than or equal to the minimum discount rate and best meeting the buyer's individual conditions.

40. (Amended) The computer site as claimed in claim 32 wherein at least one seller is pre-approved to sell the specified [item or] category of items.

61. (Amended) The computer site as claimed in claim 32 wherein each of the sellers is pre-approved to sell the specified [item or] category of items.

63. (Amended) A computer-implemented auction system for negotiating discount credits between sellers offering at least one pre-defined category of goods or service items and buyers wishing to purchase goods or service items selected from said category, comprising:

an auction system having an auction engine that presents a first interface for access by buyers in communicating willingness to purchase items selected from a pre-defined category at a negotiated category discount and a second interface for access by sellers in communicating willingness to offer items selected from the pre-defined category;

the first interface including a commitment amount field through which each buyer communicates the amount that buyer will commit to spend and a requested discount field through which each buyer communicates the smallest discount that buyer will accept;

a data storage associated with the auction engine for storing the identity of buyers who have communicated willingness to purchase items from the pre-defined category, and for storing bid data indicative of the commitment amount and requested discount communicated by each buyer;

the auction system further having a compilation system that analyzes the bid data to present information to sellers through the second interface indicative of the aggregate commitment amounts associated with different requested discounts;

the second interface having a discount offer field through which each seller communicates the discount that seller is willing to offer;

a commitment system having a mechanism for terminating negotiation in response to a pre-defined criterion and for identifying a selected seller that has offered the greatest discount during the negotiation;

the commitment system communicating with the auction system to generate a discount record for at least a portion of the buyers identified in the data [store] storage, each discount record including the identity of the buyer and seller, the pre-defined category on which the buyer negotiated and data indicative of the commitment amount and the discount offered by the selected seller.